

HONORABLE BENJAMIN SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHRISTOPHER C. JOHNSON ,

Plaintiff,

vs.

RESURGENT CAPITAL SERVICES,
L.P.; EXPERIAN INFORMATION
SOLUTIONS,

Defendants.

Case No: 3:23-CV-05394-BHS

**DEFENDANT RESURGENT CAPITAL
L.P.'S ANSWER; AND
DEMAND FOR JURY TRIAL**

Defendant Resurgent Capital Services, L.P. ("Defendant") hereby responds on behalf of itself, and no other, to the Complaint of Plaintiff Christopher C. Johnson ("Plaintiff") as follows:

1. Pursuant to Rule 8(b)(3) of the Federal Rules of Civil Procedure, Defendant generally denies each and every allegation contained in the complaint except those expressly admitted below.

2. Defendant admits the allegations of paragraphs: 2, 3 and 5.

PRAYER FOR RELIEF

Defendant denies that Plaintiff is entitled to any of the items set forth in the prayer for relief.

AFFIRMATIVE DEFENSES

1. Plaintiff lacks standing to bring this suit because he did not suffer actual harm.

2. This court lacks jurisdiction over this case as a case regarding identical conduct is currently pending in Pierce County Superior Court, Case No. 3A910708C, was filed prior to this case.

3. Plaintiff fails to state a claim on which relief can be granted.

4. Plaintiff's harm, if any, was caused by a good faith and bona fide error by Defendant. Defendant's acts were not intentional and Defendant maintains appropriate procedures to avoid this error. Therefore, Defendant cannot be held liable.

5. Defendant is informed and believes and thereon alleges that any alleged damages sustained by Plaintiff were, at least in part, caused by the actions of Plaintiff and resulted from Plaintiff's own negligence, which equaled or exceeded any alleged negligence or wrongdoing by Defendant.

6. The damages claimed by Plaintiff could have been mitigated with due diligence or by one acting under similar circumstances. Plaintiff's failure to mitigate is a bar to recovery under the Complaint.

7. The Complaint and each of its purported claims for relief are barred by the doctrine of estoppel.

8. The Complaint and each of its purported claims for relief are barred by the doctrine of unclean hands.

9. The Complaint and each of its purported claims for relief are barred by the doctrine of waiver.

10. Defendant alleges that at all times it acted in good faith and with good cause. The conduct of Defendant was within the reasonable expectations of the parties and was reasonably related to Defendant's legitimate business interests upon the basis of reasonable factors.

1 11. The Complaint, fails to state facts sufficient to constitute a cause of action against
2 Defendant relative to the content of the alleged communications and further fails to state facts
3 sufficient to entitle Plaintiff to the relief sought, or to any other relief whatsoever, from
4 Defendant.

5 12. Defendant is informed and believes and thereon alleges that any purported
6 damages allegedly suffered by Plaintiffs are the result of the acts or omissions of third persons
7 over whom Defendant had neither control nor responsibility, and whom Plaintiff has failed to
8 name in this action.

9 13. Defendant alleges that the Complaint does not describe the alleged actions with
10 sufficient particularity to permit it to ascertain what other defenses may exist at this time.
11 Defendant therefore reserves the right to assert all defenses that may pertain to the Complaint
12 as the facts of the case are discovered.

13 **WHEREFORE**, Defendant prays as follows:

- 14 1. Plaintiff takes nothing by way of his Complaint herein and that this action is
15 dismissed in its entirety;
- 16 2. For Defendant's attorney's fees and costs incurred herein;
- 17 3. For such other relief as the Court may deem just and proper.

18 **DEMAND FOR JURY TRIAL**

19 **PLEASE TAKE NOTICE** that Defendant demands a trial by jury in this action.

20
21 Respectfully Submitted,

22 Dated: June 8, 2023.

GORDON REES SCULLY MANSUKHANI, LLP

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 Attorneys for Defendant Resurgent Capitla
 Services, L.P.